

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL LEVANT JOHNSON

v.

C.A. NO. 15-4242

NANCY GIROUX, SUPERINTENDENT, et al.

ORDER

AND NOW, this 29th day of August, 2017, upon careful consideration of the petition for writ of habeas corpus filed pursuant to [28 U.S.C. § 2254](#), the response, the thorough and well-reasoned report and recommendation of United States Magistrate Judge Thomas J. Rueter, petitioner's objections to the report and recommendation, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**.
2. The report and recommendation of United States Magistrate Judge Thomas J. Rueter [Doc. 17] is **APPROVED** and **ADOPTED**.
3. The petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.
4. The petitioner having failed to demonstrate that a reasonable jurist could conclude that the court is incorrect in dismissing the petition, there is no ground to issue a certificate of appealability.
5. The petitioner's motion for transcripts [Doc. 24] is **DENIED as moot**.
6. The petitioner's motion for writ of mandamus [Doc. 27] is **DENIED as moot**.
7. The Clerk is **DIRECTED** to mark this case closed.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.